



PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of  
Alan K. Schaer

Examiner: Lee S. Cohen

Group Art Unit: 3739

For: **EP CATHETER**

Serial No.: 10/601,288

Filed: June 20, 2003

Docket No.: R0370-02101

EXPRESS MAIL LABEL NO.: EQ 352463262 US

Mailed in San Francisco, CA on February 24, 2006**PETITION TO RESCIND NOTICE OF ABANDONMENT UNDER 37 C.F.R. §1.181**

Office of Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby petitions the Patent Office to rescind the Notice of Abandonment (copy enclosed) mailed January 30, 2006 in the above-referenced application. The Notice of Abandonment states that "No reply has been received" to the Office Action mailed June 7, 2005 from the Patent Office.

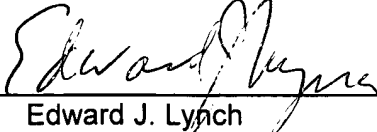
On December 2, 2005 via facsimile, Applicant filed his Amendment And Response To Office Action Mailed 06/07/2005. Applicant encloses herewith a copy of that response as filed on December 2, 2005 in its entirety. Further enclosed is a copy of the Patent Office facsimile acknowledgement of receipt of Applicant's response filed December 2, 2005.

Based on the aforementioned facts, Applicant believes there was no cause for the Patent Office mailing of the Notice Of Abandonment.

Applicant believes himself not to be in error; therefore, no fee is due. Should the Commissioner find otherwise, the Commissioner is authorized to charge the fees due and to

credit any overpayment of fees which may be required under 37 C.F. R. §§1.16 and 1.17 to  
Deposit Account No. 04-1679, referencing Attorney Docket No. R0370-02101.

Respectfully submitted,

By:   
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Attorney for Applicant

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## UNITED STATES PATENT AND TRADEMARK OFFICE

R0370-02101

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/601,288      | 06/20/2003  | Alan K. Schaer       | 09610.1271          | 1511             |

7590

01/30/2006

Edward J Lynch  
One Market Plaza  
Spear Street Tower Suite 2100  
San Francisco, CA 94105

RECEIVED

FEB 16 2006

DUANE MORRIS

EXAMINER

COHEN, LEE S

ART UNIT PAPER NUMBER

3739

DATE MAILED: 01/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Petition due  
March 30, 2006  
DOCKETED

FEB 16 2006

BY 



# Notice of Abandonment

Application No.

10/601,288

Examiner

Lee S. Cohen

Applicant(s)

SCHAER, ALAN K.


Art Unit

3739

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 07 June 2005.
  - (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

  
Lee S. Cohen  
Primary Examiner  
Art Unit: 3739

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.